

REMARKS

In response to the above-identified Office Action, Applicants amend the Application and seek re-consideration of the following remarks. In this Response, Applicants amend claims 1-18 and cancel claims 19-20 without prejudice. Applicants add new claims 21 and 22. Accordingly, claims 1-18 and 21-22 are pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 101

Claims 1-11 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants traverse the rejection, at least in view of the amendments to claims 1-11.

In making the rejection, the Patent Office alleges that “determination from a computer comparing process remains internal and abstract within the low level of computer process, thus not a result from a transformation being externalized into a tangible, concrete and useful form” (Paper No./Mail Date 20070330, pages 2-3). Applicants have amended claims 1-11 to recite that an error message is transmitted if the comparison does not indicate a proper result of the comparison. Applicants submit that transmission of an error message is a result being externalized into a tangible, concrete and useful form. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-11.

II. Claims Rejected Under 35 U.S.C. § 112

Claims 19 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have cancelled claims 19 and 20 without prejudice.

III. Claims Rejected Under 35 U.S.C. §102

Claims 1-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,983,446 issued to Charisius et al. (“*Charisius*”). Applicants traverse the rejection.

To anticipate a claim, the cited reference must disclose each and every element of the

rejected claim (*see* MPEP § 2131). Among other elements, independent claim 1 defines a method for verifying a generated computer code comprising “comparing the generated computer code to the expected computer code to determine if the generated computer code and the expected computer code match, and transmitting an error message if the generated computer code and the expected computer code do not match. Applicants submit that *Charisius* fails to disclose at least these elements of claim 1.

In making the rejection, the Patent Office characterizes *Charisius* as disclosing the step of “comparing the generated computer code (e.g., Fig. 4; Fig. 19B-C) to the expected computer code to determine if the generated computer code includes all of the lines (e.g., *synchronized ... updated automatically* – col. 5, lines 34-60) of the expected computer code (Paper No./Mail Date 20070330, page 5, parenthesis and emphasis in original). Applicants respectfully disagree with the Patent Office’s characterization of the disclosure in *Charisius*.

Charisius discloses a software development tool that provides:

simultaneous round-trip engineering, i.e., the graphical representation 204 is synchronized with the textual representation 206. Thus, if a change is made to the source code 202 via the graphical representation 204, the textual representation 206 is updated automatically. Similarly, if a change is made to the source code 202 via the textual representation 206, the graphical representation 204 is updated to remain synchronized. There is no repository, no batch code generation, and no risk of losing code. (Col. 5, lines 50-60).

Therefore, Applicants submit that *Charisius* discloses a system and method for automatically updating a graphical representation of source code when changes are being made to the source code via a textual representation of the source code, and updating the textual representation of the source code when changes are being made to the source code via the graphical representation of the source code. *Charisius* performs these methods to keep the graphical and textual representations of the source code in synch with one another (*see Charisius*, Col. 2, line 62 – Col. 3, line 8). Applicants submit that a system and method for keeping graphical and textual representations of source code in

synch with one another is not the same as a method “for verifying a generated computer code having a plurality of lines generated from a model of a system,” as recited in claim 1.

As an initial matter, graphical and textual representations of source code do not constitute generated computer code and expected computer code as recited in claim 1 because they are representations of the same code in different formats (i.e., textual and graphical), whereas generated computer code and expected computer code are representations of the same code in the same format. Ideally, the generated computer code and the expected computer should match one another in form and substance, but graphics code and text code should never match in substance because of the textual/graphical nature of the representations.

In addition, claim 1 recites a method where generated computer code and an expected version of the generated computer code are compared to one another to verify that the generated code is correct, and an error message is transmitted if the generated computer code is not correct. The purpose of the system and method in *Charisius* is keep graphical and textual representation of source code in synch with one another, not to use one representation of the source code to determine if the other representation of the source code is correct, and transmit an error message if one or the other is incorrect. Therefore, for at least these reasons, *Charisius* fails to disclose each and every element of claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 2-6 depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 2-6 are not anticipated by *Charisius* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-6.

Applicants submit that claims 7-18 each recite elements similar to independent claim 1. Therefore, Applicants submit that claims 7-18 are not anticipated by *Charisius* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 7-18.

IV. Claims Rejected Under 35 U.S.C. §103

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Charisius* in view of U.S. Patent Application Publication No. 2004/0210873 filed by Tudor and Admitted Prior Art. Applicants have canceled claims 19 and 20 without prejudice.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or jgraff@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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